THE HONOURABLE SMT JUSTICE T.MEENAKUMARI
And
THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.12362 of 2006

Dated:23rd June, 2006

Between:

Ahmedi Begum.

…..PETITIONER

AND

The Commissioner of Police,
Hyderabad & another.

….RESPONDENTS

THE HONOURABLE SMT JUSTICE T.MEENAKUMARI
And

THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.12362 of 2006

ORDER:

This writ petition in the nature of Heabus Corpus is filed to declare the action of the respondent in detaining the detenu Mohd. Raoof Ali Khan as illegal, arbitrary and consequently to direct the respondent to produce the detenue Mohd. Raoof Ali Khan before this Court.

The petitioner is the mother of alleged detenu Mohd. Raoof Ali Khan. It is the case of the petitioner that the detenu is aged about 26 years and is pursuing his studies in P.G. Arts and Science College, Secunderabad and there is no criminal case filed against the detenu.

It is the further case of the petitioner that on 15-6-2006, some persons claiming to be police from A.C.P, Gosha Mahal division entered into her house and picked up her son, and when her son asked the reason for doing so, they beat him and bundled him in a unnumbered jeep, and that when she resisted, they abused the petitioner in filthy language. It is also her case that when she tried to contact the respondent No.2 to find as to for what fault her son was picked up and detained, she was not allowed to meet her son and while she was standing near the office, her son was carried in a jeep to an unknown place, and that she later saw her son bleeding and was not in a position to walk due to torture of the respondent No.2.

It is the further case of the petitioner that she tried to contact the respondent No.2 from 15-6-2006 to 18-6-2006 to find reason for his illegal detention and requested that if her son Mohd. Raoof Ali Khan is required for any purpose to produce him before the Court of law, but

unsuccessful.

The learned counsel for the petitioner submitted that the respondent without there being any reason has picked up the detenu on 15-06-2006 and since then kept the detenu under their custody, and if the detenu is required for any purpose the respondent can produce him before the court of law, and the respondent cannot keep the petitioner under illegal detention. Therefore, the learned counsel prayed that the detenu be produced before this Court, as there is every threat of the respondent torturing the petitioner.

The Assistant Commissioner of Police, Gosha Mahal Division, Hyderabad-2nd respondent herein filed counter denying the allegations made in the writ affidavit.

In the counter it is stated that on 22-6-2006 at about 11.30 a.m., while conducting the vehicular check in the limits of Shah Inayat Gunj Police Station, the S.I of Police of Shah Inayat Gunj Police Station apprehended one Abrar Ahmed Khan who was in possession of a dagger and during cross-examination he confessed that he along with Waheed, Amanullah, Haji, Riyaz. , Mohd Raoof Ali Khan (alleged detenu herein), Attu has committed kidnap and murder of one Tirupathi Reddy, R/o Kukatpally, which is the subject matter of Cr.No.1188/2003 under Section 302 and 201 I.P.C of S.R.Nagar P.S and thereupon he was arrested under Arms Act and a case in Cr.No.148/2006 under Section 25 (1) (a) of Arms Act of Arms Act of Shah Inayat Gunj P.S was registered and took up investigation.

In the counter it is further stated that during the course of examination he further confessed that he was scheduled to meet his co-accused in Cr.No.1188/2003 of S.R.Nagar P.S viz., Mohd Raoof Ali Khan (alleged detenu herein) and Mohd. Haji at 2.30 p.m at Mehdipatnam, and on the above information, the S.I of Police, Shah Inayat Gunj P.S., passed on the message to the S.H.O., S.R. Nagar P.S, who went to Mehdipatnam and apprehended Md. Raoof Ali Khan (alleged detenu) and Mohd. Haji at 2.30 p.m and brought to S.R.Nagar Police Statioin, and after complying with the formalities of arrest the alleged detenu herein and the other accused Md.Haji were produced before the learned III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad on the same day who remanded them to judicial custody.

Heard the learned counsel for the petitioner and the learned Advocate General on behalf of State and perused the counter affidavit filed by the respondent No.2.

A perusal of the counter affidavit filed by the respondent No.3 makes clear that the Mohd Raoof Ali Khan (alleged detenu) was taken into custody on 22-6-2006 based on confession made by one Abrar Ahmed Khan, the accused in Cr.No.1188/2003 under Section 302 and 201 I.P.C of S.R.Nagar Police Station that he along with Waheed, Amanullah, Haji, Riyaz, Mohd Raoof Ali Khan (alleged detenu) , Attu has committed kidnap, the alleged detenu Mohd Raoof Ali Khan was arrested and after complying with the formalities of arrest the alleged detenu was produced before the learned III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad on the same day.

In the aforementioned facts and circumstances, we feel that there is no such illegal detention as alleged by the petitioner in the writ petition. The alleged detenu was arrested on 22-6-2006 in connection with crime in Cr.No.1188 of 2003 of S.R. Nagar Police Station and was produced before the learned III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad on the same day.

Accordingly, the writ petition is dismissed. No costs.

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(T.MEENAKUMARI,J.)

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(N.V. RAMANA, J.)

Date:23rd June, 2006.

Grk